

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM S. KARN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	02: 10-cv-424
	)	
CLAYTON S. MORROW,	)	
PROTHONOTARY, and	)	
BOROUGH OF BEN AVON,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

Presently pending before the Court is the MOTION FOR SANCTIONS - FRCP 11, with brief in support, filed by Defendant Borough of Ben Avon (*Document Nos. 8 and 9*); the MOTION FOR SANCTIONS PURSUANT TO RULE 11 by Defendant Clayton S. Morrow (*Document No. 14*),<sup>1</sup> and the ANSWER TO BEN AVON MOTION FOR SANCTIONS OF JUNE 2, 2010, filed by Plaintiff, William S. Karn (*Document No. 10*).

Defendants argue that Plaintiff, a “serial litigator,” filed the instant lawsuit when he knew or should have known that his Complaint had no basis in law or fact. As relief, Defendants request that the Court enter an Order granting their motion for Rule 11 sanctions, dismiss the complaint with prejudice, order Plaintiff to pay Defendants’ reasonable attorney’s fees and costs in defending this action, and impose a filing sanction which would preclude Plaintiff from filing additional federal lawsuits without prior approval of the Court.

---

<sup>1</sup> The Court has not ordered a Response from Plaintiff, as the Morrow motion joins in the Motion for Sanctions filed by the Borough of Ben Avon, to which Plaintiff has responded.

This is the third lawsuit filed by Mr. Karn against the Borough of Ben Avon. The federal docket reflects that on March 13, 2008, he filed a lawsuit against the Borough of Ben Avon, which lawsuit was settled and an Order approving stipulation of dismissal was entered on January 13, 2009 (see 02:08-cv-367); then approximately six (6) months after his first lawsuit was settled, Plaintiff filed a second lawsuit on June 29, 2009, against the Borough of Ben Avon. One month after filing that lawsuit, Plaintiff filed a motion to discontinue the lawsuit, which was granted on July 29, 2009 (see 02: 09-cv-849). The instant lawsuit was filed by Plaintiff on March 30, 2010.

Copies of docket sheets from both federal and state court also reflect that Plaintiff has filed numerous other lawsuits, both in state court and in federal court. While the Court recognizes that Plaintiff has filed repeated lawsuits, the Court does not find that Plaintiff has yet abused the federal court system in a manner that would warrant the imposition of sanctions as requested by Defendants. Furthermore, Defendants' request to have the Complaint and Amended Complaint dismissed is moot, as the Motion to Dismiss Pursuant to Rule 12(b)(6) filed by the Borough of Ben Avon has been granted and the case has been closed.

However, Plaintiff is advised and warned that the denial of Defendants' request is not an invitation to continue to file lawsuits against these same defendants which arise out of the same underlying facts.

An appropriate Order follows.

McVerry, J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM S. KARN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	02: 10-cv-424
	)	
CLAYTON S. MORROW,	)	
PROTHONOTARY, and	)	
BOROUGH OF BEN AVON,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 24th day of June, 2010, in accordance with the foregoing Memorandum Opinion, it is hereby **ORDERED, ADJUDGED AND DECREED** that the MOTION FOR SANCTIONS - FRCP 11, filed by Defendant Borough of Ben Avon and the MOTION FOR SANCTIONS PURSUANT TO RULE 11 filed by Defendant Clayton S. Morrow are **DENIED WITHOUT PREJUDICE**.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

cc: William S. Karn  
664 Lincoln Avenue  
Bellevue, PA 15202-3420  
via United States Mail, and Certified Mail,  
Return Receipt Requested

Clayton S. Morrow, Esquire  
Morrow & Kross  
Email: cmorrow@allconsumerlaw.com

Deborah A. Kane, Esquire  
Weber Gallagher Simpson Stapleton Fires & Newby  
Email: dkane@wglaw.com